

- PATENT -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Tell, Daniel et al.	EXAMINER:	Nguyen, T.
SERIAL NO.:	10/034,890	GROUP:	2157
FILED:	December 29, 2001	CASE NO.:	CE03957R
TITLED:	Method and Apparatus for Transmitting Wired Data Voice Over IP Data and Wireless Data Through A Common IP Core Network		

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July 11, 2006

APPEAL BRIEF UNDER 37 CFR 41.37

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Commissioner:

The appellants hereby respectfully submit the following Appeal Brief in response to a final Office Action dated January 27, 2006, and a Notice of Appeal filed May 24, 2006.

1. REAL PARTY IN INTEREST

The real party in interest in this appeal is Motorola, Inc.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

This is an appeal from a final Office Action dated January 27, 2006. Claims 1-27 stand rejected and are hereby appealed.

Applicants filed this patent application on December 29, 2003. In a first Office Action dated February 23, 2005, the Examiner rejected claims 1-27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,683,870 to Archer. In an Amendment dated May 23, 2005, the Appellants amended a paragraph of the specification and amended each of claims 1, 20 and 27.

In a Final Office Action dated August 12, 2005, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-27 were also rejected under 35 U.S.C. §102(e) as being anticipated by Archer. Applicants filed an After Final Amendment on October 12, 2005 in which claims 1, 20 and 27 were amended. An Advisory Action dated November 2, 2005 informed Applicants that the After Final Amendment was not entered as it raised new issues that would require further consideration and/or search. In response, Applicants filed a Request for Continued Examination on November 9, 2005 in which Applicants requested that the After Final Amendment be entered and considered.

In a Final Office Action dated January 27, 2006, the Examiner rejected claims 1-27 under 35 U.S.C. §102(e) as being unpatentable over Archer. Applicants filed an After

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Final Amendment on March 27, 2006 in which Applicants did not amend any of the pending claims. An Advisory Action was mailed April 18, 2006 and informed Applicants that the After Final Amendment was entered and an explanation of how the claims are rejected for purposes of an appeal. The Examiner reiterated the Final Office Action rejections 1-27 and stated that the After Final Response did not place the application in condition for allowance.

The pending claims 1-27 are reproduced below in the attached Appendix.

4. STATUS OF AMENDMENTS

An After Final Amendment was filed on March 27, 2006, and is currently pending. In the After Final Amendment, the Appellants responded to the Examiner's rejections of claims 1-27. No post-final amendments were made to the claims in the After Final Amendment. The Appellants then filed a Notice of Appeal on May 24, 2006.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The appellant's invention provides a system for transmitting data through an IP core network so that data may be transmitted from an originating source, through a public switched telephone network (PSTN) and through the IP core network to a land line telephone and a cellular telephone. The system includes an IP core network that is coupled to the PSTN through an interface. The IP core network is also coupled to an access IP network. A radio access network is coupled to the IP core network and the cellular telephone. Upon receipt of data from the originating source, the IP core network simultaneously initiates a ringing of the land line telephone through the access IP network and a paging of the cellular telephone through the radio access network. See Abstract.

Claim 1, as amended, provides for a system (20) for transmitting data through an IP core network (21) so that data may be transmitted from an originating source, through a public switched telephone network (PSTN) (22) and through the IP core network to at

least one of a wired handset (36) and a wireless handset (31). See Figs. 1-3, page 2, line 25 through page 3, line 2; page 3, line 18 through page 4, line 24. The system comprises an IP core network where the IP core network coupled to the PSTN through an interface (23), See Figs. 1-3, page 2, line 25 through page 3, line 2; page 3, line 18 through page 4, line 24, and where the IP core network also coupled to an access IP network (34), see Figs. 1-3, page 2, line 25 through page 3, line 2; page 3, line 18 through page 4, line 24, a radio access network (29) coupled to the IP core network and the wireless handset, and a register (27, 32, 45) of wired handsets and wireless handsets from among the at least one of a wired handset and a wireless handset and the registered wired handsets and wireless handsets are on the register when such registered wired handsets and wireless handsets are accessible within IP core network and the radio access network and wherein the register is compiled by the handsets when the handsets become accessible on the network. See FIGS. 1, 3, 5, page 3, line 18, through page 4, line 13, page 14, line 26 through page 15, line 9. Claim 1 further provides that upon receipt of data from the originating source the IP core network simultaneously initiates a ringing of the wired handset available on the register through the access IP network and a paging of the wireless handset available on the register through the radio access network. See FIGS. 5-7, page 17, line 6 through page 19, line 6.

Claim 20, as amended, provides for a method for simultaneously paging a wireless handset (36) and ringing a wired handset (31). FIG. 1. The method comprises providing an IP core network (21) that is coupled to a public switched telephone network (PSTN) (22) through an interface (23), the IP core network also being coupled to an access IP network (34), providing a radio access network (29) coupled to the IP core network and the wireless handset, receiving data at the IP core network from the PSTN, see FIGS. 1-3, page 2, line 25 through page 3, line 2, and registering a wireless handset when such wireless handset is accessible on the radio access network and a wired handset when such wired handset is accessible on the IP network. See FIGS. 1, 3, 5, page 3, line 18 through page 4, line 24; page 14, line 26 through page 15, line 9. Claim 20 further provides for simultaneously initiating a ringing of the registered wired handset through

the access IP network and a paging of the registered wireless handset through the radio access network. See FIGs. 5-7; page 13, line 3-14; page 17, line 6 through page 19, line 6, and claim 20.

Claim 27, as amended, provides for a system (20) for transmitting data through an IP core network (21) so that data may be transmitted from an originating source, though a public switched telephone network (PSTN) (22) and through the IP core network to at least one of a wired handset (36) and a wireless handset (31). FIGs 1-3; page 2, line 25 through page 3, line 2; page 3, line 18 through page 4, line 24. The system comprises an IP core network comprising a location server node (32), where the IP core network is coupled to the PSTN through an interface (23) and where the IP core network is also coupled to an access IP network (34) and where the interface comprises a gateway (23) and a gatekeeper (24). FIGs. 1-3. Claim 27 further provides for a radio access network (29) coupled to the IP core network and the wireless handset, a user premise network (33) coupled to the IP core network, see FIG. 2, and a register (27, 32, 45) of wired handsets and wireless handsets from among the at least one of a wired handset and a wireless handset and the registered wired handsets and wireless handsets are on the register when such registered wired handsets and wireless handsets are accessible within the IP core network and the radio access network and wherein the register is compiled by the handsets when the handsets are accessible on the network. FIGs. 1, 3, 5, page 3, line 18 through page 4, line 24; page 14, line 26 through page 15, line 9. Claim 27 also provides that upon receipt of data from the originating source the location server node determines the location of the wireless handset and, upon receipt of a signal from the location server node that the wireless handset is within a predetermined geographical area, the IP core network simultaneously initiates a paging of the registered wireless handset through the radio access network and a ringing of the registered wired handset and, upon receipt of an answer from a plurality of the handsets, the IP core network bridging an audio signal between the wired and wireless handsets. See FIGs. 5-7; page 13, line 3-14; page 17, line 6 through page 19, line 6, and claim 27.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,680,870 to Archer.

7. ARGUMENT

(i) Rejection under 35 U.S.C. §112, first paragraph:

None.

(ii) Rejection under 35 U.S.C. §112, second paragraph:

None.

(iii) Rejection under 35 U.S.C. §102:

In the Office Action claims 1-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,683,870 to Archer. The pending claims are directed to a method and apparatus of transmitting data through an IP core network that is transmitted from an originating source through a PSTN network to at least one of wired handset and a wireless handset. The IP core network is coupled to a PSTN, an access IP network and a radio access network. In the claimed configuration, the IP core network allows access to wired handsets, wireless handsets and other components that are connected to the IP core network.

As detailed, independent claims 1, 20 and 27 include a register or registering step that lists the wired handsets and wireless handsets when they are accessible within the IP core network and the radio access network. This feature is claimed in claim 1 by the limitation “the registered wired handsets and wireless handsets are on the register when such registered wired handsets and wireless handsets are accessible within IP core network and the radio access network.” In claim 20, this limitation is found with the claimed language “when such wireless handset is accessible on the radio access network and a wired handset when such wireless handset is accessible on the IP network.” Claim

27 uses the limitation “the registered wired handsets and wireless handsets are on the register when such registered wired handsets and wireless handset are accessible within the IP core network and the radio access network.” Appellants specifically use the words “are on the register when” and “accessible within IP core network and wireless access network” for claims 1 and 27, “is accessible on the radio access network” and “when such wireless handset is accessible on the IP network” for claim 20 to clarify that handsets are registered when they are accessible by way of the network.

If an originating source cannot make contact with the handset, it is unavailable and therefore inaccessible. If the handset is not accessible on the network it is not on the register because the condition of the claim described above is not made. A wired handset can be accessible when it is plugged into an RJ11 jack, and a wireless handset can be accessible when it roams into a network or is otherwise known by the network. As will be appreciated by those skilled in the art, wireless handsets are not always available on the IP core network because they are mobile. Other devices can also be available or unavailable to the IP core network. Thus, the system knows what devices can be accessed. When the originating source provides data, the IP core network simultaneously rings the registered wired handsets and pages the registered wireless handsets that are accessible within the network. The system therefore does not attempt to ring or page handsets that are not accessible through the networks because those inaccessible handsets are not registered. The registration process, as described, provides for a dynamic system of providing data to wired and wireless handsets that are a connected to an IP core network.

Moreover, the registered is compiled by the handsets as they become accessible on the networks as seen in claims 1 and 27. This feature is claimed by the limitation “wherein the register is compiled by the handsets when the handsets are accessible on the network.” In other words, when the handset becomes accessible on the network, the handset causes itself to be put on the register. No outside source is used to create the register, as is required by the cited prior art. The wireless handsets are therefore made a part of the network by the handsets themselves when they become available and

accessible on the network. Accordingly, the handset registering on the IP core network also places it on the register. Human intervention is not required.

Archer is directed to a method and system that simultaneously transmits a call notification to a plurality of communication devices that can include telephones, both wired and wireless, pagers, computers and voice mail systems. The addresses, e.g. telephone numbers, of these devices are stored in a database which is queried based on the call notification. Archer discloses a database that can be accessed by the user to add a new handset. Archer does not disclose or otherwise suggest that the handsets, whether they be wired or wireless, have access to the database to be registered. In other words, the database disclosed in Archer is controlled by human intervention and is not the dynamic type of register disclosed by the present invention. Archer discloses that the user creates a database by putting the number of the handsets to be rang or paged. But this database does not mean that the handset is accessible and that the ring or page will be successful. The claimed register, however, is dynamic by registering only those wired or wireless handsets that are accessible through the networks. As stated above, mobile handsets may or may not be accessible through the network. Moreover, the claimed register is created by the actions of the handsets. Thus, while it may be inherent to have a register, it is respectfully submitted that it is not inherent to have the register of only accessible handsets where the register is created by the handsets as they become accessible.

The Final Office Action states that “Archer discloses that when the primary user’s device, wire or wireless, contacted [sic] is not available (no response was detected) then the system queries the available devices that pertain to the primary user’s device until one of the registered device is successfully contracted. Therefore when the registered device is successfully contacted it becomes accessible.” This rebuttal to Applicants’ claim suggests that the claim terms mean that the handsets are merely accessible by the IP core network. It does not take into consideration all the terms found in independent claims 1, 20 and 27 and the dependent claims. In particular, the claim limitation is “accessible within the IP core network.” As clarified above, this limitation states that the handsets must be accessible within the IP core network and are therefore within the location of the

IP core network. It does not suggest or claim that the handsets are accessible wherever they are located. In addition, the comments disregard that the claims include the register or registering step. This permits the relevant handsets to be called. Thus, the accessibility of the handsets is known before a handset is rung or paged. The comment suggests, however, that the accessibility is known after the ringing or paging.

In addition, the response to Applicants' argument suggests that the claim means successful contact makes the handsets accessible. The claim term does not suggest that contacting the handsets makes them accessible. Rather the claim states that the handsets are accessible when they are within the IP core network and when they are within the core IP network they are a part of the register of handsets.

The Final Office Action goes on to say that Applicant's argument that the Archer's "handsets . . . access to a database to be registered and database is controlled by human and is not the dynamic type of register disclosed by the invention" can not be supported by the claims. Applicants respectfully disagree. While it is true that the word "dynamic" is not in the claims, the claims clearly state that the registered is compiled by the handsets when they become accessible on the network. In other words, when the condition of being accessible on the network is met, the handsets are on the register. If the condition is not met, the handsets are not on the register. Therefore, the handsets' operation when they become accessible on the network places the handset onto the register. In this way, Appellants contend that the register is dynamic. As stated in the Specification, this is done when the IP core network received notification that the handset is accessible within the network. This is fundamentally different from the formation of the database used in Archer. Archer states that the database is compiled independently of the location of the handset and irrespective of whether the handset is accessible within the network. The Archer database is created by the subscriber logging onto the database and changing or adding the telephone numbers where he can be reached. See Archer column 7, lines 44-50.

In addition, Archer discloses how all of the telephone numbers that is on the database are simultaneously contacted in the "find me" type operation where the handsets that are on the register are all contacted. As stated, the Archer's database is created

independently of whether the handset is accessible within the network or not accessible within the core network. Archer will still attempt to call the number even if a handset is outside the network and is not accessible. This situation is avoided by the present invention because only those handsets that are accessible within the IP core network are a part of the register and are called.

In the Advisory Action, it is stated that Appellants argument “that Archer does not disclose or suggest that ‘the handsets, whether they be wired or wireless, have access to database to be registered’ as in claims 1, 20 and 27, Examiner’s response is that the language of that limitation is not in the claims, as a matter of fact there is no mention of the word ‘database’ in any of the above mentioned claims.” Appellants acknowledge that the word “database” does not appear in the claims. Nonetheless, claims 1, 20 and 27 each claim a register or registering step that includes handsets that are accessible within the network. Appellants and Examiner have been using the words “database” and “register” interchangeably, and one of ordinary skill in the art understands that the claimed register can be a database. It is clear by the claims that the claimed register includes those wired handsets and wireless handsets that are accessible within the network. Thus, Appellants respectfully submit that the Archer’s database, which is created by human intervention to put a number on the database, does not suggest that the handsets, whether they be wired or wireless, have access to the database to be registered. It is clear from the claims that the claimed handsets have to access to the register to be registered when the accessible within the network. Moreover, claims 1 and 27 state that register is compiled by the handsets when the handsets are accessible on the network.

In view of the foregoing, Applicants respectfully submit that Archer does not anticipate the present invention as claimed in amended independent claims 1, 20 and 27. As dependent claims 2-19 and 21-26 depend upon and include all the limitations of independent claims 1 and 20, Applicants respectfully submit that Archer does not anticipate the invention as claim in the dependent claims. Applicant therefore respectfully requests that the rejection Section 102(e) be reversed.

(iv) Rejection under 35 U.S.C. §103:

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None.

(v) Conclusion

For the above reasons, the appellants respectfully submit that the rejections of claims 1, 20 and 27 under 35 U.S.C. §102(e) as being anticipated by Archer are in error and should be reversed and the claims allowed.

8. CLAIMS APPENDIX

1. (Previously Presented) A system for transmitting data through an IP core network so that data may be transmitted from an originating source, though a public switched telephone network (PSTN) and through the IP core network to at least one of a wired handset and a wireless handset, the system comprising:

an IP core network,

the IP core network coupled to the PSTN through an interface, the IP core network also coupled to an access IP network,

a radio access network coupled to the IP core network and the wireless handset,

a register of wired handsets and wireless handsets from among the at least one of a wired handset and a wireless handset and the registered wired handsets and wireless handsets are on the register when such registered wired handsets and wireless handsets are accessible within IP core network and the radio access network and wherein the register is compiled by the handsets when the handsets become accessible on the network, and

upon receipt of data from the originating source, the IP core network simultaneously initiating a ringing of the wired handset available on the register through the access IP network and a paging of the wireless handset available on the register through the radio access network.

2. (Original) The system of claim 1 wherein, upon receipt of an answer from a plurality of the handsets, the IP core network bridging an audio signal between the wired and wireless handsets.

3. (Original) The system of claim 1 wherein, upon receipt of an answer from a plurality of the handsets, the IP core network bridging an audio signal between the wireless handset and a plurality of wired handsets.

4. (Original) The system of claim 1 wherein, upon receipt of an answer from

a plurality of the handsets, the IP core network bridging an audio signal between a plurality of wired handsets.

5. (Original) The system of claim 1 further comprising a user premise network coupled to the IP core network, the user premise network comprising at least one component selected from the group consisting of a modem, a cable modem, an ISDN modem and a DSL modem.

6. (Original) The system of claim 1 wherein the interface comprises a gateway and a gatekeeper.

7. (Original) The system of claim 1 wherein the interface comprises an H.323 gateway and an H.323 gatekeeper.

8. (Original) The system of claim 1 wherein the interface comprises a SIP server and an IP/PSTN gateway.

9. (Original) The system of claim 1 wherein the IP core network further comprises a location server node which determines the location of the wireless handset, and the IP core network, upon receipt of a signal from the location server node that the wireless handset is within a predetermined geographical area, simultaneously initiates the paging of the wireless handset through the radio access network and the ringing of the wired handset.

10. (Original) The system of claim 9 wherein the IP core network initiates a ringing of the wired handset through the access IP network.

11. (Original) The system of claim 1 wherein the IP core network further comprises at least one feature server for providing call features for data being communicated from the IP core network to the wired and wireless handsets.

12. (Original) The system of claim 1 further comprising a user premise network comprising a TR57 interface for providing analog loop functions.

13. (Original) The system of claim 12 wherein the TR57 interface is coupled to an H.323 interface for converting voice data transmitted from the wired handset into H.323 protocol.

14. (Original) The system of claim 12 wherein the TR57 interface is coupled to a SIP interface for converting voice data transmitted from the wired handset into SIP protocol.

15. (Original) The system of claim 7 wherein the H.323 gateway and H.323 gatekeeper are a part of the IP core network.

16. (Original) The system of claim 1 further comprising a user premise network comprising a RJ11 interface, a modem and a personal computer wherein the RJ11 interface is coupled to a modem and a personal computer.

17. (Original) The system of claim 1 wherein the access IP network is coupled to an Internet telephone and,

upon receipt of data from the originating source, the IP core network simultaneously initiating a ringing of the wired handset, a paging of the wireless handset through the radio access network and a sending of a call message to the Internet telephone through the access IP network.

18. (Original) The system of claim 1 wherein the access IP network is coupled to computer and,

upon receipt of data from the originating source, the IP core network simultaneously initiating a ringing of the wired handset, a paging of the wireless handset

through the radio access network and a sending of a call message to the computer through the access IP network.

19. (Original) The system of claim 1 wherein the IP access network is coupled to a multimedia terminal.

20. (Previously Presented) A method for simultaneously paging a wireless handset and ringing a wired handset, the method comprising:

providing an IP core network that is coupled to a public switched telephone network (PSTN) through an interface, the IP core network also being coupled to an access IP network,

providing a radio access network coupled to the IP core network and the wireless handset,

receiving data at the IP core network from the PSTN,

registering a wireless handset when such wireless handset is accessible on the radio access network and a wired handset when such wired handset is accessible on the IP network, and

simultaneously initiating a ringing of the registered wired handset through the access IP network and a paging of the registered wireless handset through the radio access network.

21. (Original) The method of claim 20 further comprising
providing a location server node,
determining a location of the wireless handset,
prior to simultaneously initiating the paging of the wireless handset through the radio access network and the ringing of the wired handset through the access IP network,
sending a signal to the IP core network from the location server node indicating that the wireless handset is within a predetermined geographical area.

22. (Original) The method of claim 21 wherein the location server node forms

part of the IP core network.

23. (Original) The method of claim 20 further comprising providing at least one feature server for providing call features for data being communicated from the IP core network to the wired handset and the wireless handset.

24. (Original) The method of claim 20 wherein the feature server forms a part of the IP core network.

25. (Original) The method of claim 20 wherein the access IP network is coupled to an Internet telephone and,
upon receipt of data from the originating source, the IP core network simultaneously initiating a ringing of the wired handset, a paging of the wireless handset through the radio access network and a sending of a call message to the Internet telephone through the access IP network.

26. (Original) The system of claim 20 wherein the access IP network is coupled to computer and,
upon receipt of data from the originating source, the IP core network simultaneously initiating a ringing of the wired handset, a paging of the wireless handset through the radio access network and a sending of a call message to the computer through the access IP network.

27. (Previously Presented) A system for transmitting data through an IP core network so that data may be transmitted from an originating source, though a public switched telephone network (PSTN) and through the IP core network to at least one of a wired handset and a wireless handset, the system comprising:

an IP core network comprising a location server node,
the IP core network coupled to the PSTN through an interface, the IP core network also coupled to an access IP network, the interface comprising a gateway and a

gatekeeper,

a radio access network coupled to the IP core network and the wireless handset,

a user premise network coupled to the IP core network,

a register of wired handsets and wireless handsets from among the at least one of a wired handset and a wireless handset and the registered wired handsets and wireless handsets are on the register when such registered wired handsets and wireless handsets are accessible within the IP core network and the radio access network and wherein the register is compiled by the handsets when the handsets are accessible on the network, and

upon receipt of data from the originating source, the location server node determining the location of the wireless handset and, upon receipt of a signal from the location server node that the wireless handset is within a predetermined geographical area, the IP core network simultaneously initiating a paging of the registered wireless handset through the radio access network and a ringing of the registered wired handset and,

upon receipt of an answer from a plurality of the handsets, the IP core network bridging an audio signal between the wired and wireless handsets.

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9. EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor has any other evidence been entered by the Examiner and relied upon by the appellant.

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10. RELATED PROCEEDINGS APPENDIX

The appellants and appellants' representative know of no other appeal, interference, or judicial proceeding that may be related to, directly affect or be directly affected by, or have a bearing upon the Board's decision in the pending appeal.

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Please charge any fees associated herewith, including extension of time fees, to
50-2117.

Respectfully submitted,
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